

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

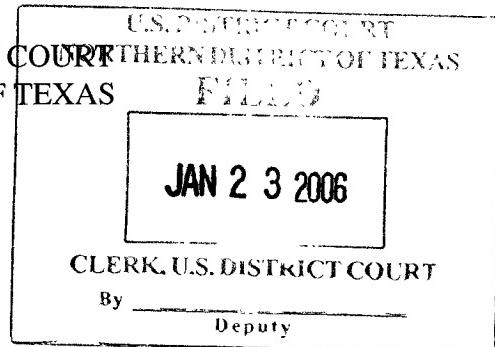
FONOVISA, INC.; BMG MUSIC; UMG  
RECORDINGS, INC.; INTERSCOPE  
RECORDS; ARISTA RECORDS LLC;  
ATLANTIC RECORDING CORPORATION;  
and ELEKTRA ENTERTAINMENT GROUP  
INC.

Plaintiffs,

v.

LARRY ALVAREZ,

Defendant.



CIVIL ACTION NO.

**1 - 06 C V - 011 - 0**

**PLAINTIFFS' COMPLAINT FOR COPYRIGHT INFRINGEMENT**

Plaintiffs, by their attorneys, complain of the Defendant, and would show:

**JURISDICTION AND VENUE**

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States (17 U.S.C. §101 et seq.).
2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. §1331 (federal question); and 28 U.S.C. §1338(a) (copyright).
3. This Court has personal jurisdiction over the Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(a), in that the Defendant resides in this District, and the acts of infringement complained of herein occurred in this District.

## PARTIES

4. Plaintiff Fonovisa, Inc. is a division of Univision Music LLC. Univision Music LLC is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

5. Plaintiff BMG Music is a general partnership duly organized and existing under the laws of the State of New York, with its principal place of business in the State of New York.

6. Plaintiff UMG Recordings, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

7. Plaintiff Interscope Records is a California general partnership, with its principal place of business in the State of California.

8. Plaintiff Arista Records LLC is a limited liability company duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

9. Plaintiff Atlantic Recording Corporation is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

10. Plaintiff Elektra Entertainment Group Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

11. Plaintiffs are informed and believe that Defendant is an individual residing in this District.

**COUNT I**  
**INFRINGEMENT OF COPYRIGHTS**

12. Plaintiffs incorporate herein by this reference each and every allegation contained in each paragraph above.

13. Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of exclusive rights under United States copyright with respect to certain copyrighted sound recordings (the "Copyrighted Recordings"). The Copyrighted Recordings include but are not limited to each of the copyrighted sound recordings identified in Exhibit A attached hereto, each of which is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights. In addition to the sound recordings listed on Exhibit A, Copyrighted Recordings also include certain of the sound recordings listed on Exhibit B which are owned by or exclusively licensed to one or more of the Plaintiffs or Plaintiffs' affiliate record labels, and which are subject to valid Certificates of Copyright Registration issued by the Register of Copyrights.

14. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Copyrighted Recordings and to distribute the Copyrighted Recordings to the public.

15. Plaintiffs are informed and believe that Defendant, without the permission or consent of Plaintiffs, has used, and continues to use, an online media distribution system to download the Copyrighted Recordings, to distribute the Copyrighted Recordings to the public, and/or to make the Copyrighted Recordings available for distribution to others. In doing so, Defendant has violated Plaintiffs' exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiffs' copyrights and exclusive rights under copyright.

16. Plaintiffs have placed proper notices of copyright pursuant to 17 U.S.C. § 401 on each respective album cover of each of the sound recordings identified in Exhibit A. These notices of copyright appeared on published copies of each of the sound recordings identified in Exhibit A. These published copies were widely available, and each of the published copies of the sound recordings identified in Exhibit A was accessible by Defendant.

17. Plaintiffs are informed and believe that the foregoing acts of infringement have been willful and intentional, in disregard of and with indifference to the rights of Plaintiffs.

18. As a result of Defendant's infringement of Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs are entitled to statutory damages pursuant to 17 U.S.C. § 504(c) for Defendant's infringement of each of the Copyrighted Recordings. Plaintiffs further are entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

19. The conduct of Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiffs are entitled to injunctive relief prohibiting Defendant from further infringing Plaintiffs' copyrights, and ordering Defendant to destroy all copies of sound recordings made in violation of Plaintiffs' exclusive rights.

For these reasons, Plaintiffs pray for judgment against Defendant as follows:

1. For an injunction providing:

"Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the Copyrighted Recordings and any sound recording, whether now in existence or later created, that is owned or controlled by Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (*i.e.*,

download) any of Plaintiffs' Recordings, to distribute (*i.e.*, upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control."

2. For statutory damages for each infringement of each Copyrighted Recording pursuant to 17 U.S.C. Section 504.
3. For Plaintiffs' costs in this action.
4. For Plaintiffs' reasonable attorneys' fees incurred herein.
5. For such other and further relief, either at law or in equity, general or special, to which they may be entitled.

DATED: January 20, 2006

Respectfully submitted,

By: KBelt

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A

**EXHIBIT A****LARRY ALVAREZ**

<u>Copyright Owner</u>	<u>Artist</u>	<u>Recording Title</u>	<u>Album Title</u>	<u>SR#</u>
Fonovisa, Inc.	Bronco	Una Rosa Una Espina	20 Exitos	256-014
BMG Music	Alabama	Dancin' Shaggin' on the Boulevard	Dancin' on the Boulevard	233-935
BMG Music	Alicia Keys	Troubles	Songs in A Minor	299-410
UMG Recordings, Inc.	George Strait	Heartland	Pure Country	146-421
Interscope Records	Enrique Iglesias	Bailamos	Enrique	214-257
Fonovisa, Inc.	Bronco	Dos Mujeres Un Camino	Oro 2000	259-010
Arista Records LLC	Alan Jackson	Chattahoochee	Lot About Livin' (And a Little 'bout Love)	147-716
Arista Records LLC	Alan Jackson	Gone Country	Who I Am	202-090
BMG Music	Lonestar	Tell Her	Lonely Grill	187-003
Atlantic Recording Corporation	Foreigner	Waiting For A Girl Like You	Foreigner 4	27-769
Elektra Entertainment Group Inc.	Eagles	New Kid In Town	Hotel California	N38950

B

## Kazaa - [Search]

[5]

User	Filename	Artist	Size	Media Type
malva511@fleshare	Toby Keith - How Do You Like Me Now.mp3	Toby Keith	2,422KB	Audio
malva511@fleshare	Tobey Keith - I Wanna Talk About Me.mp3	Toby Keith	7,088KB	Audio
malva511@fleshare	Toby Keith-American Soldier.wma	Toby Keith	6,207KB	Audio
malva511@fleshare	toby kieith - Whiskey Girl.wma	toby kieith	3,770KB	Audio
malva511@fleshare	Toby Keith - Beer For My Horses.mp3	Toby Keith _Willie Nelson	3,189KB	Audio
malva511@fleshare	Alan Jackson - She's Gone Country.mp3	Alan Jackson	4,049KB	Audio
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malva511@fleshare	Alan Jackson - Who's Cheating Who.mp3	Alan Jackson	3,772KB	Audio
malva511@fleshare	Alan Jackson Jimmy Buffett - It's Five O'clock Somewhere...	Alan Jackson	3,128KB	Audio
malva511@fleshare	Gore, Leslie - Its My Party.mp3	Leslie Gore	3,340KB	Audio
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2 Users	Brenda Lee-The Stroll.mp3	Brenda Lee	2,355KB	Audio
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malva511@fleshare	Brenda Lee - Break It To Me Gently.mp3	Brenda Lee	2,434KB	Audio
malva511@fleshare	Brenda Lee - Johnny One Time.mp3	Brenda Lee	3,048KB	Audio
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malva511@fleshare	Rick Trevino - Learning As You Go.mp3	Rick Trevino	3,274KB	Audio
malva511@fleshare	Youngbloods - Let's Get Together.mp3	Youngbloods	4,350KB	Audio
malva511@fleshare	Rick Trevino - I Only Get This Way With You.mp3	Rick Trevino	3,445KB	Audio
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malva511@fleshare	Bellamy Brothers - Let Your Love Flow.mp3	The Bellamy Brothers	3,106KB	Audio
malva511@fleshare	Old Country- Bellamy Brothers-The Closer You Get.mp3	Alabama	3,373KB	Audio
malva511@fleshare	Oldies - Sunshine, Lollipop, Rainbows.mp3	Leslie Gore	1,536KB	Audio

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malva511@fileshare	Usher - Burn.wma	Usher	1,041KB	Audio	You've Never Be	
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malva511@fileshare	15.I Gotcha (Tex Mex 12 Mix) .mp3	Jimmy Barnes	3,597KB	Audio	I Gotcha	
malva511@fileshare	(Tejano) Intocable- 'Vivir Sin Ella.mp3	Intocable	2,908KB	Audio		
malva511@fileshare	mario winans-i dont wanna know (1).mp3	New Found Glory	5,102KB	Audio		
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## Kazaa - [Search]

File View Player Tools Actions Help

Web My Kazaa Theater

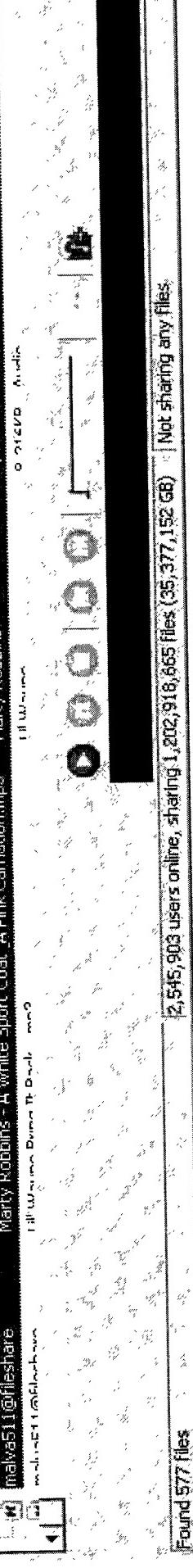
 Download Search Traffic Shop Tell A Friend

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 New search Search Field

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malva511@fileshare	Sue Thompson - Norman .mp3	Sue Thompson	2,145KB	Audio
malva511@fileshare	Track 10.mp3	Connie Francis	2,204KB	Audio
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malva511@fileshare	Marty Robbins - A White Sport Coat_A Pink Carnation.mp3	Marty Robbins	2,330KB	Audio



New search:  Download Search Field Filter Save Stop Tell A Friend

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malva511@fleshare	knuck if buck ( chopped and screwed ) (1).wma	Crime Mob	2,241KB	Audio
malva511@fleshare	Ricky Van Shelton I'll Leave This World Loving You (1).MP3	Ricky Van Shelton	3,404KB	Audio
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malva511@fleshare	Lea Salonga - Reflection.mp3	Lea Salonga	2,254KB	Audio
malva511@fleshare	Fleetwoodmac-jmakelovingfun.mp3	Fleetwood Mac	3,305KB	Audio
malva511@fleshare	Aerosmith - I Don't wanna Miss A Thing.mp3	Aerosmith	4,586KB	Audio

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Case 1:06-cv-00011-C Document 1 Filed 01/23/06 Page 14 of 14 PageID 14						
User	malva511@fileshare	Filename	Aerosmith - I Don't Wanna Miss A Thing.mp3	Artist	Arrowsmith	4,580KB Audio
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